AMENDMENT TO RULES COMMITTEE PRINT

118–10

OFFERED BY MR. ROY OF TEXAS

Page 699, line 1, strike “to provide for” and all that follows through the period on line 6 and insert the following:

for the following:

1 (1) To provide for the independent and objective conduct and supervision of audits and investigations, including within the territory of Ukraine, relating to the programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

2 (2) To provide for the independent and objective leadership and coordination of, and recommendations on, policies designed to prevent and detect waste, fraud, and abuse in such programs and operations described in paragraph (1).

3 (3) To provide for an independent and objective means of keeping the Secretary of State, the Secretary of Defense, and Congress fully and currently informed about problems and deficiencies relating to the administration of such programs and operations.
and the necessity for and progress on corrective action.

Page 699, line 14, insert “, with the advice and consent of the Senate” before the period.

Page 700, after line 14, insert the following new paragraph:

(7) INDEPENDENCE TO CONDUCT INVESTIGATIONS AND AUDITS.—No officer of the Department of Defense, the Department of State, or the United States Agency for International Development shall prevent or prohibit the Special Inspector General from initiating, carrying out, or completing any audit or investigation related to amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine or from issuing any subpoena during the course of any such audit or investigation.

Page 701, beginning line 1, strike “The duties of the Special Inspector General are as follows” and insert “It shall be the duty of the Special Inspector General to conduct, supervise, and coordinate audits and investigations of the treatment, handling, and expenditure of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine, and of the pro-
grams, operations, and contracts carried out utilizing such funds. Such duty shall also include the following”.

Page 701, after line 7, insert the following (and redesignate all subsequent paragraphs accordingly):

(2) The investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(3) The oversight and accounting of the obligation and expenditure of such funds; the monitoring and review of contracts funded by such funds.

(4) The monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities.

(5) The maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.

Page 703, after line 12, insert the following (and redesignate all subsequent subsections accordingly):

(2) The investigation of overpayments such as duplicate payments or duplicate billing and any potential unethical or illegal actions of Federal employees, contractors, or affiliated entities and the referral of such reports, as necessary, to the Department of Justice to ensure further investigations, prosecutions, recovery of further funds, or other remedies.

(3) The oversight and accounting of the obligation and expenditure of such funds; the monitoring and review of contracts funded by such funds.

(4) The monitoring and review of the transfer of such funds and associated information between and among departments, agencies, and entities of the United States and private and nongovernmental entities.

(5) The maintenance of records on the use of such funds to facilitate future audits and investigations of the use of such funds.
(e) **Employment of Experts and Consultants.**—The Special Inspector General may obtain services as authorized by section 3109 of title 5, United States Code, at daily rates not to exceed the equivalent rate prescribed for grade GS–15 of the General Schedule by section 5332 of such title.

(f) **Contracting Authority.**—To the extent and in such amounts as may be provided in advance by appropriations Acts, the Special Inspector General may enter into contracts and other arrangements for audits, studies, analyses, and other services with public agencies and with private persons, and make such payments as may be necessary to carry out the duties of the Special Inspector General.

Page 704, after line 5, insert the following:

(4) **Resources.**—The Secretary of State or the Secretary of Defense, as appropriate, shall provide the Special Inspector General with—

(A) appropriate and adequate office space at appropriate locations of the Department of State or the Department of Defense (as the case may be) in Ukraine, or at an appropriate United States military installation in the European theater, together with such equipment, office supplies, and communications facilities and
services as may be necessary for the operation of such offices, and shall provide necessary maintenance services for such offices and the equipment and facilities located therein; and

(B) appropriate and adequate support for audits, investigations, and related activities by the Special Inspector General or assigned personnel within the territory of Ukraine.

(5) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) IN GENERAL.—Upon request of the Special Inspector General for information or assistance from any department, agency, or other entity of the Federal Government, the head of such entity shall, insofar as is practicable and not in contravention of any existing law, furnish such information or assistance to the Special Inspector General, or an authorized designee.

(B) REPORTING OF REFUSED ASSISTANCE.—Whenever information or assistance requested by the Special Inspector General is, in the judgment of the Special Inspector General, unreasonably refused or not provided, the Special Inspector General shall report the circumstances to the Secretary of State or the Secretary of Defense, as appropriate, and to the
appropriate congressional committees without delay.

Page 704, line 15, strike “is submitted” and all that follows through line 19 before the period and insert the following:

is submitted, the activities during such period of the Special Inspector General and the activities under programs and operations funded with amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine. Each report shall include, for the period covered by such report, a detailed statement of all obligations, expenditures, and revenues associated with military and nonmilitary support of Ukraine, including the following:

(i) Obligations and expenditures of appropriated funds.

(ii) Operating expenses of agencies or entities receiving amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine.

(iii) In the case of any contract, grant, agreement, or other funding mechanism described in paragraph (4)—
(I) the amount of the contract, grant, agreement, or other funding mechanism;

(II) a brief discussion of the scope of the contract, grant, agreement, or other funding mechanism;

(III) a discussion of how the department or agency of the United States Government involved in the contract, grant, agreement, or other funding mechanism identified, and solicited offers from, potential individuals or entities to perform the contract, grant, agreement, or other funding mechanism, together with a list of the potential individuals or entities that were issued solicitations for the offers; and

(IV) the justification and approval documents on which was based the determination to use procedures other than procedures that provide for full and open competition.

(iv) An accounting comparison of—
(I) the military and nonmilitary support provided to Ukraine by the United States; and

(II) the military and nonmilitary support provided to Ukraine by other North Atlantic Treaty Organization member countries, including allied contributions to Ukraine that are subsequently backfilled or subsidized using United States funds.

Page 706, after line 6, insert the following (and redesignate the subsequent paragraph accordingly):

(4) COVERED CONTRACTS, GRANTS, AGREEMENTS, AND FUNDING MECHANISMS DESCRIBED.—A covered contract, grant, agreement, or other funding mechanism described in this paragraph is any major contract, grant, agreement, or other funding mechanism that is entered into by any department or agency of the United States Government that involves the use of amounts appropriated or otherwise made available for the military and nonmilitary support of Ukraine with any public or private sector entity for any of the following purposes:

(A) To build or rebuild physical infrastructure of Ukraine.
(B) To establish or reestablish a political or societal institution of Ukraine.

(C) To provide products or services to the people of Ukraine.

(D) To provide lethal or nonlethal weaponry to Ukraine.

(E) To otherwise provide military or non-military support to Ukraine.

Page 706, after line 17, insert the following (and redesignate all subsequent subsections accordingly):

(h) REPORT COORDINATION.—

(1) TRANSMISSION TO SECRETARIES OF STATE AND DEFENSE.—The Special Inspector General shall also transmit each report required by subsection (g) to the Secretary of State and the Secretary of Defense.

(2) SUBMISSION TO CONGRESS.—

(A) IN GENERAL.—Not later than 30 days after receipt of a report pursuant to paragraph (1), the Secretary of State and the Secretary of Defense shall separately submit to the appropriate congressional committees any comments on the matters covered by the report. Such comments shall be submitted in unclassified form, but may include a classified annex if the
Secretary of State or the Secretary of Defense, as the case may be, considers it necessary.

(B) ACCESS.—On request, any Member of Congress may view the comments submitted pursuant to subparagraph (A), including the classified annex.

(i) TRANSPARENCY.—

(1) REPORT.—Not later than 60 days after submission to the appropriate congressional committees of a report required by subsection (g), the Secretary of State and the Secretary of Defense shall jointly make copies of the report available to the public upon request, and at a reasonable cost.

(2) COMMENTS ON MATTERS COVERED BY REPORT.—Not later than 60 days after submission to the appropriate congressional committees pursuant to subsection (h)(2)(A) of comments on a report required by subsection (g), the Secretary of State and the Secretary of Defense shall jointly make copies of the comments available to the public upon request, and at a reasonable cost.

(j) WAIVER.—

(1) AUTHORITY.—The President may waive the requirement under paragraph (1) or (2) of subsection (i) with respect to the public availability of
any element in a report required by subsection (g),
or any comment submitted pursuant to subsection
(h)(2)(A), if the President determines that the waiv-
er is justified for national security reasons.

(2) NOTICE OF WAIVER.—The President shall
publish a notice of each waiver made under this sub-
section in the Federal Register no later than the
date on which a report required by subsection (g),
or any comment submitted pursuant to subsection
(h)(2)(A), is submitted to the appropriate congress-
ional committees. The report and comments shall
specify whether waivers under this subsection were
made and with respect to which elements in the re-
port or which comments, as appropriate.

(3) RULE OF CONSTRUCTION.—Nothing in this
subsection may be construed to authorize the Presi-
dent to waive any requirement under subsection
(h)(2) with respect to the availability of comments
submitted pursuant to such subsection.

Page 709, after line 17, insert the following:

(n) FINAL REPORT.—The Special Inspector General
shall, prior to the termination of the Office of the Special
Inspector General for Ukraine Assistance under sub-
section (m), prepare and submit to the appropriate con-
gressional committees a final forensic audit report on pro-
grams and operations funded with amounts appropriated or otherwise made available for the military and non-military support of Ukraine.

(o) Authorization of Appropriations.—

(1) In general.—There is authorized to be appropriated $20,000,000 for fiscal year 2024 to carry out this section.

(2) Offset.—Notwithstanding the amounts set forth in the funding tables in division D, the amount authorized to be appropriated in section 301 for operation and maintenance, as specified in the corresponding funding table in section 4301 for “Operation and maintenance, defense-wide–Line 490–Office of the Secretary of Defense”, is hereby reduced by $20,000,000.